IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.552 OF 2005
IN
SUMMARY SUIT NO.2644 OF 2004

Geeta Arvind Bhanushali ..Plaintiff

Vs.

Angel 2 NX & Ors. ..Defendants

Mr.L.H.Rambhia for the plaintiff

Mr.D.F.Sharma i/b Ms.T.J.Gohil for the defendants

CORAM : S.U.KAMDAR, J
DATED : 13TH FEBRUARY, 2006

P.C.:

1. The present suit is filed on two promissory notes of Rs.1 lac each. The only defence raised is that the defendants have not executed the said promissory notes. I have perused the original promissory notes. Apart from the aforesaid fact that original promissory note contains rubber stamp of defendants which contains name and address of the partnership firm, from the signature it is evident that the first words Ketan V. is identical. Only while executing the promissory notes he has used another name but while affirming on affidavit he has used signature ’Shah’.

2. Apart from the aforesaid, I am of the opinion that defendants were given a notice on 19.12.03 to make payment of the amount covered by the said promissory notes. There is no dispute that the said notice was duly received but inspite of the same defendants did not give any reply thereto. In that light of the matter, the contention now raised that promissory notes are not executed by the plaintiff is without any basis and cannot be accepted.

3. However, with a view to give an opportunity to the defendants to defend the suit, I direct the defendants to deposit a sum of Rs.2.0 Lacs within 4 weeks failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of

defence to be filed within four weeks from the date of deposit of the said amount. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.